



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,517	07/08/1999	RUSSELL W. MCDONALD	1106-1	6725

23429 7590 02/24/2003

GREGORY SMITH & ASSOCIATES
3900 NEWPARK MALL ROAD, 3RD FLOOR
NEWARK, CA 94560

EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,517

Applicant(s)

MCDONALD ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-3 and 6-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 3624

DETAILED ACTION

1. Claims 1-3 and newly added claims 6-11 are pending. Claims 4 and 5 have been cancelled, claims 6-11 have been added, and claims 1-3 have been amended in this communication filed 6/14/02 entered as Amendment, paper no. 14.
2. The Amendment filed 4/022/02 has been entered as Amendment C, paper no. 12.
3. The Petition filed 06/14/02 has been entered as paper no. 13.
4. The Petition Granted of 08/02/02 has been entered as paper no. 15.
5. The Objection to the Abstract in the Office Action of 05/07/01 has been overcome by Applicants' amendment to the Abstract of the disclosure and is hereby withdrawn. Please see below the new Objection to the amended Abstract.
6. The amendment to the Specification has been overcome by Applicants' amendment to the Specification and is hereby withdrawn.
7. The amendment to figures 4c, 4d, 4e, and 5d is missing from the application.
8. Therefore, the Objection to drawing figures 4c, 4d, 4e, and 5d still stands. The amendment to claim 1 has overcome the 35 U.S.C. 112, second paragraph rejection and is hereby withdrawn.
9. The group art unit of the examiner handling your case is 3624 and the Examiner is E. Colbert. This has changed. Please help us serve you in a timely fashion by including up-to-date art unit and examiner information on all correspondence.

Abstract

10. The amended abstract of the disclosure is objected to because: Line 1 recites, "The system of the present invention includes, briefly, a mortgage loan data." This would be better recited, "The system of the present invention includes a mortgage loan data". Lines 3-11 recite "originator for a loan customer comprising: computer processor for processing data; storage device for storing data on a storage medium; mechanism for initializing the storage medium; mechanism for processing data regarding the loan customer already possessed by the loan originator; mechanism for processing data regarding the loan customer not previously possessed by the loan originator input through screen displays; mechanism for processing data regarding the already possessed and not previously possessed data and for generating a loan application for the loan customer; and mechanism for processing data regarding the mortgage loan and the data regarding the loan customer and for generating disclosure documents." Lines 3-11 would be better recited "originator for a loan customer comprising a computer processor for processing data, a storage device for storing data on a storage medium; a mechanism for initializing the storage medium, a mechanism for processing data regarding the loan customer already processed by the loan originator, a mechanism for processing data regarding the loan customer not previously processed by the loan originator input through screen displays, a mechanism for processing data regarding the already processed and not previously processed data and for generating a loan application for the loan customer and a mechanism for processing data regarding

Art Unit: 3624

the mortgage loan and the data regarding the loan customer and for generating disclosure documents.” Correction is required. See MPEP § 608.01(b).

Drawings

11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: late close penalty (34e) (figure 4c), social security number (36h) (figure 4c), buyer's employment (36i) (figure 4d), co-buyer's employment (36j)(figure 4d), Next button (40) (figure 4e), screen display (50) (figure 5d), lien holder (52a), amount owed (52b), priority (52c), detailed program info tab (72e), display (681) (disclosed in association with figure 81, which is missing). Corrected drawings are required.

Election/Restrictions

12. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3 and 6-8, drawn to processing the loan data, classified in class 705, subclass 38.
- II. Claims 9-11, drawn to a method for collecting the loan data, classified in class 705, subclass 35 .

Inventions Group 1, claims 1-3 and 6-8 and Group II, claims 9-11 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I, claims 1-3 and 6-8 has separate utility such as processing the loan data and Group II has separate utility such as collecting the loan data. See MPEP § 806.05(d).

Art Unit: 3624

13. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.


14. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-5622 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
February 9, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600